



Arizona Pollutant Discharge Elimination System **FORM 1**

INSTRUCTIONS

Description of AZPDES Permit Application Forms

- Form 1** This form contains general information and is used in combination with Forms 2B, 2C, 2D, and 2F. Form 1 provides information such as nature of business, name, mailing address, location, existing permit numbers, etc.
- Form 2A** This form is used for publicly-owned or any other treatment works that treats domestic sewage and currently discharges, is permitted to discharge or proposes to discharge treated wastewater to waters of the United States.
- Form 2B** This form is used for concentrated animal feeding operations and aquatic animal production facilities that currently discharge, are permitted to discharge, or propose to discharge wastewater to waters of the United States.
- Form 2C** This form is used by industrial, commercial and other operations that currently discharge or are permitted to discharge non-domestic wastewater to waters of the United States. Examples of such discharges include those from water treatment plants, groundwater remediation efforts, mining and silvicultural operations, noncontact cooling waters, etc.
- Form 2D** This form is used by industrial, commercial and other operations that propose to discharge non-domestic wastewater (new sources and new dischargers) to waters of the United States. Examples of such discharges include those from water treatment plants, groundwater remediation efforts, mining and silvicultural operations, noncontact cooling waters, etc.
- Form 2F** This form is used for facilities that currently discharge, are permitted to discharge or propose to discharge storm water or a combination of storm water and non-storm water associated with an industrial activity.
- Form 2S** This form is used for facilities that currently treat or dispose of, are permitted to treat or dispose of or propose to treat or dispose of sewage sludge. The form is also used for facilities that currently treat, are permitted to treat or propose to treat domestic sewage.

General Instructions

Who Must Apply

With the exceptions described in Section C of these instructions, federal and state laws prohibit you from discharging pollutants into the water of the United States in Arizona without an Arizona Pollutant Discharge Elimination System (AZPDES) permit (Clean Water Act, 33 U.S.C. 1251 and Arizona Revised Statute (A.R.S.) § 49-255). (Note: Discharges to Indian Country still require a federal NPDES permit from EPA.)

You must use this form in conjunction with supplementary forms 2B, 2C, 2D, or 2F as appropriate to apply for an AZPDES permit. Form 1 collects general information that applies to all the above-listed discharging facilities and operations. Form 1 does not need to be submitted with Form 2A or Form 2S as these forms contain Form 1 information. Item VII of Form 1 will guide you to the appropriate supplementary forms.

If you have any questions about whether you need a permit or if you need to obtain application forms, contact Arizona Department of Environmental Quality (ADEQ). Upon your request and based upon information supplied by you, ADEQ will determine whether you are required to obtain a permit for a particular facility. Be sure to contact ADEQ if you have a question, because federal and state laws provide that you may be heavily penalized if you do not apply for a permit when a permit is required.

You should note that there are certain exclusions to the permit requirements listed above. The exclusions are described in detail in Section C of these instructions. If your activities are excluded from permit requirements, then you do not need to complete and return any forms.

Where to File

The application forms must be mailed to:

Surface Water Permits Unit
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

When to File

State regulations require that an application for an AZPDES permit be submitted 180 days before your present NPDES or AZPDES permit expires or at least 180 days prior to discharge if your facility is currently not a permitted discharging facility. (Note that it may take longer than 180 days to obtain your permit.

If you submit a complete and accurate application for renewal by the specified date, your permit will be administratively continued while ADEQ processes your application. If the application is not complete or accurate, you are not authorized to discharge past your permit expiration date.

For new facilities, you are not authorized to discharge until a permit is issued. As such, it may be prudent to submit your application earlier than 180 days.

Fees

ADEQ does not require a fee for applying for an AZPDES permit.

Availability of Information to Public

Information contained in these application forms will, upon request, be made available to the public for inspection and copying. No information on Forms 1 and 2A through 2S may be claimed as confidential. If

you send in more information than is requested in these forms that is considered company-privileged information, you may ask ADEQ to keep that extra information confidential. Otherwise, ADEQ may make the information public without letting you know in advance. For more information on claims of confidentiality, see A.R.S. § 49-205.

Completion of Forms

Unless otherwise specified in instructions to the forms, each item in each form must be answered. To indicate that each item has been considered, enter "NA", for not applicable if a particular item does not fit the circumstances or characteristics of your facility or activity.

If you have previously submitted information to EPA/ ADEQ that answers a question, you may either repeat the information in the space provided or attach a copy of the previous submission. Some items in the form require narrative explanation. If more space is needed to answer a question, attach a sheet entitled "Additional Information."

Please also note that per 40 CFR 130.12, before an AZPDES permit can be issued for a facility, it must not be in conflict with the Regional 208 Water Quality Management Plan. Owners of new or modified facilities need to check with their planning council to determine if the discharge will be consistent or obtain appropriate plan amendments. ADEQ cannot find the application administratively complete until an appropriate 208 finding has been made.

Application Information

Completing this Form

Please type or print in the unshaded areas only.

Item I. Facility Information

Space is provided at the upper right hand corner of Form 1 for insertion of your AZPDES or NPDES permit number. If your facility does not have a permit, leave this item blank.

- I.A. Name of Facility: Enter the facility's official or legal name. Do not use a colloquial name.
- I.B. Facility Contact: Give the name, title and work telephone number (s) of a person who is thoroughly familiar with the operation of the facility and with the facts reported in this application and who can be contacted by ADEQ if necessary.
- I.C. Facility Mailing Address: Give the complete mailing address of the office where correspondence should be sent. This often is not the address used to designate the location of the facility or activity.
- I.D. Facility Location: Give the street (route) address or finding directions of the facility.
- I.E. Latitude/Longitude: Enter the latitude and longitude of the facility in degrees, minutes and seconds.
- I.F. Legal Description: Enter the township, range, section and quarter section in which the facility is located.

- I.G. Indian Land: Indicate whether the facility is located on Indian Lands.
- I.H. Border Area: Indicate whether the facility is located within 100 kilometers (62 miles) north of the Arizona -Sonora, Mexico border. If it is, then provide a description of the area into which the discharges from the facility may flow and a statement explaining whether the flow is expected to cross the border.

Item II. Facility SIC Codes

List, in descending order of significance, the four 4-digit standard industrial classification (SIC) codes that best describe your facility in terms of the principal products or services you produce or provide. Also, specify each classification in words.

These classifications may differ from the SIC codes describing the operation generating the discharge, air emissions or hazardous wastes.

SIC code numbers are descriptions that may be found in the "Standard Industrial Classification Manual" prepared by the executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Use the current edition of the manual.

Item III. Existing Environmental Permits

Give the number of each presently effective permit issued to the facility for each program or, if you have previously filed an application but have not yet received a permit, give the number of the application, if any. Fill in the unshaded area only. If you have more than one currently effective permit for your facility under a particular permit program, you may list additional permit numbers on a separate sheet of paper. List any relevant environmental federal (e.g., permits under the Ocean Dumping Act, section 404 of the Clean Water Act or the Surface Mining Control and Reclamation Act), state (e.g., state permits for new air emission sources in nonattainment areas under Part D of the Clean Air Act or state permits under section 404 of the Clean Water Act) or local permits or applications under "other."

Item IV. Operator Information

- IV.A. Name of operator: Provide the phone number(s) and name, as it is legally referred to, of the person, firm, public organization or any other entity that operates the facility described in this application. This may or may not be the same name as the facility. The operator of the facility is the legal entity
- IV.B. Operator's Mailing Address: Enter the address of the operator identified in Item C.1.
- IV.C. Owner-Operator: Indicate whether the person or entity that operates the facility also owns it by marking the appropriate box.
- IV.D. Operator's Status: Mark the appropriate letter to indicate the legal status of the operator of the facility. Indicate "public" for a facility solely owned by local government(s) such as a city, town county, etc.

Item V. Nature of Business

Briefly describe the nature of your business (e.g, products or services provided).

Item VI. Map

Provide a topographic map or maps of the area extending at least to one mile beyond the property boundaries of the facility that clearly show the following:

- ! The legal boundaries of the facility;
- ! The location and serial number of each of your existing and proposed intake and discharge structures;
- ! All hazardous waste management facilities;
- ! Each well where you inject fluids underground; and
- ! All springs and surface water bodies in the area, plus all drinking water wells within 1/4 mile of the facility that are identified in the public record or otherwise known to you.
- ! If an intake or discharge structure, hazardous waste disposal site or injection well associated with the facility is located more than one mile from the plant, include it on the map, if possible. If not, attach additional sheets describing the location of the structure, disposal site or well and identify the U. S. Geological Survey (or other) map corresponding to the location.
- ! On each map, include the map scale, a meridian arrow showing north and latitude and longitude at the nearest whole second. On all maps of rivers, show the direction of the current and in tidal waters, show the directions of the ebb and flow tides. Use a 7-1/2 minute series map published by the U.S. Geological Survey, which may be obtained through the U.S. Geological Survey office listed below. If a 7-1/2 minute series map has not been published for your facility site, then you may use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information; in this case, briefly describe land uses in the map area (e.g, residential, commercial). For map information you may access the following or similar websites on the internet: <http://www.topozone.com> or <http://mapping.usgs.gov>

Item VII. Pollutant Characteristics

Answer each question to determine which supplementary forms you need to fill out. Be sure to check the glossary in Section D of these instructions for the legal definitions and check Section C of these instructions to determine whether your activity is excluded from permit requirements.

If you answer "yes" to any question, then you must complete and file the supplementary form by the deadline described under Section A above along with this form. (The applicable form number follows each question and is enclosed in parentheses).

Item VIII. Certification

40 CFR Part 122.22 (d) incorporated by reference under A.A.C. R18-9-A905(A)(1)(c) provides in part, that any person who signs an application for an AZPDES permit or a report required by an AZPDES permit and other information requested by the Director shall make the following certification:

" I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the

person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Federal and state statutes provide for severe penalties for submitting false information on this application form.

Section 309(c)(2) of the CWA provides that "[a]ny person who knowingly makes any false statement, representation or certification in any application . . . shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months or both."

A.R.S. § 49-262 (C) provides that any person who violates any provision of a rule adopted pursuant to Article 3.1 of Title 49, Chapter 2, Water Quality Control is subject to a civil penalty of up to \$25,000 per day per violation.

Federal and State Regulations Require this Application to Be Signed as Follows:

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
3. For a municipality, state, federal or other public facility, by either a principal executive officer or ranking elected official.

Activities That Do Not Require Permits

You are not required to obtain an AZPDES permit if your discharge is in one of the following categories, [as provided under A.A.C. R18-9-A902(G)(1) through (G)(7).

- ! **DREDGED OR FILL MATERIAL.** Discharges of dredged or fill material into waters of the United States do not need NPDES permits if the dredging or filling is authorized by a permit issued by the U.S. Army Corps of Engineers or under section 404 of CWA.
- ! **DISCHARGES INTO PUBLICLY OWNED TREATMENT WORKS (POTW).** The introduction of sewage, industrial wastes or other pollutants into a POTW does not need an AZPDES permit. You must comply with all applicable pretreatment standards promulgated under section 307(b) of the CWA and 40 CFR 403 as incorporated by reference under A.A.C. R18-9-A905 (A)(7)(b), which may be included in the permit issued to the POTW. If you have a plan or an agreement to switch to a POTW in the future, this does not relieve you of the obligation to apply for and receive an AZPDES permit until you have stopped discharging pollutants into waters of the United States.

NOTE: Discharges into privately owned treatment works (i.e., users) do not have to apply for or obtain AZPDES permits except as otherwise required by the Director. The owner or operator of the treatment works itself, however, must apply for a permit and identify all users in its application. Users so identified will receive public notice of actions taken on the permits for the treatment works.

- ! **DISCHARGES FROM AGRICULTURAL AND SILVICULTURAL ACTIVITIES.** Most discharges from agricultural and silvicultural activities to waters of the United States do not

require AZPDES permits. These include runoff from orchards, cultivated crops, pastures, range lands and forest lands. However, the discharges listed below **do** require AZPDES permits. Definitions of the terms listed below are contained in the Glossary section of these instructions.

1. Discharges from concentrated animal feeding operations. (See Glossary for definitions of “animal feeding operations” and “concentrated animal feeding operations.” Only the latter require permits.)
2. Discharges from concentrated aquatic animal production facilities. (See Glossary for size cutoffs.)
3. Discharges associated with approved aquaculture projects.
4. Discharges from silvicultural point sources. (See Glossary for the definition of “silvicultural point source.”) Nonpoint source silvicultural activities are excluded from AZPDES permit requirements. However, some of these activities, such as stream crossings for roads, may involve point source discharges of dredged or fill material that may require a section 404 permit. See 33 CFR 209 – 120.

! DISCHARGES IN COMPLIANCE WITH AN ON-SCENE COORDINATOR’S INSTRUCTIONS.
(See definitions.)

! DISCHARGES FROM CONVEYANCES FOR UNCONTAMINATED STORMWATER RUNOFF FROM MINING OPERATIONS OR SIMILAR ACTIVITIES. Discharges from conveyances for stormwater runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows from conveyances or systems of conveyances, including pipes, conduits, ditches and channels used for collecting and conveying precipitation runoff and that are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste product located on the site of the operations.

Glossary

NOTE: This Glossary includes terms as used in the context of the instructions and in Forms 1, 2B, 2C, 2D, and 2F. They are not intended to replace any definition in rule or statute. If you have any questions concerning the meaning of any of these terms, please contact ADEQ.

ADEQ means Arizona Department of Environmental Quality.

ALiquot means a sample of specified volume used to make up a total composite sample.

ANIMAL FEEDING OPERATION means a lot or facility (*other than an aquatic animal production facility*) where the following conditions are met:

1. Animals (*other than aquatic animals*) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period;
2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility;

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

ANIMAL UNIT means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing over 25 kilograms (*approximately 55 pounds*) multiplied by 0.4; plus the number of sheep multiplied by 0.1; plus the number of horses multiplied by 2.0.

APPLICATION means the ADEQ standard forms for applying for a permit, including any attachments, supplemental information, design information, maps, additions, revisions or modifications to the forms.

APPROVED PROGRAM or APPROVED STATE means the Arizona AZPDES program that has been approved and authorized by EPA under 40 CFR Part 123.

AQUACULTURE PROJECT means a defined managed water area that uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine or marine plants or animals. "Designated area" means the portions of the waters of the United States within that the applicant plans to confine the cultivated species, using a method of plan or operation (*including, but not limited to, physical confinement*) that, on the basis of reliable scientific evidence, is expected to ensure the specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants and be harvested within a defined geographic area.

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) means the Arizona program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under sections 307, 318, 402 and 405 of CWA and A.R.S. §49-255.

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the United States. BMPs include treatment requirements, operation procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

BIOLOGICAL MONITORING TEST means any test that includes the use of aquatic algal, invertebrate or vertebrate species to measure acute or chronic toxicity and any biological or chemical measure of bioaccumulation.

BYPASS means the intentional diversion of wastes from any portion of a treatment facility.

CONCENTRATED ANIMAL FEEDING OPERATION means an animal feeding operation that meets the criteria set forth in either (A) or (B) below or that the Director designates as such on a case-by-case basis:

1. More than the numbers of animals specified in any of the following categories are confined:
 - a. 1,000 slaughter or feeder cattle;
 - b. 700 mature dairy cattle (*whether milked or dry cows*);
 - c. 2,500 swine each weighing over 25 kilograms (*approximately 55 pounds*);
 - d. 500 horses;
 - e. 10,000 sheep or lambs;
 - f. 55,000 turkeys;
 - g. 100,000 laying hens or broilers (*if the facility has a continuous overflow watering*);
 - h. 30,000 laying hens or broilers (*if the facility has a liquid manure handling system*);
 - i. 5,000 ducks or
 - j. 1,000 animal units; or

2. More than the following numbers and types of animals are confined:
 - a. 300 slaughter or feeder cattle;
 - b. 200 mature dairy cattle (*whether milked or dry cows*);
 - c. 750 swine each weighing over 25 kilograms (*approximately 55 pounds*);
 - d. 150 horses;
 - e. 3,000 sheep or lambs;
 - f. 16,500 turkeys;
 - g. 30,000 laying hens or broilers (*if the facility has continuous overflow watering*) ;
 - h. 9,000 laying hens or broilers (*if the facility has a liquid manure handling system*);
 - i. 1,500 ducks or
 - j. 300 animal units; AND

Either one of the following conditions are met; pollutants are discharged into waters of the United States through a manmade ditch, flushing system or other similar manmade device (*"manmade" means constructed by man and used for the purpose of transporting wastes*); or pollutants are discharged directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25-year, 24-hour storm event.

CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY means a hatchery, fish farm or other facility that contains, grows or holds aquatic animals in either of the following categories or that the Director designates as such on a case-by-case basis:

1. Cold water fish species or other cold water aquatic animals including, but not limited to, the Salmonidae family of fish (*e.g., trout and salmon*) in ponds, raceways or other similar structures that discharge at least 30 days per year but does not include:
 - a. Facilities that produce less than 9,090 harvest weight kilograms (*approximately 20,000 pounds*) of aquatic animals per year; and
 - b. Facilities that feed less than 2,272 kilograms (*approximately 5,000 pounds*) of food during the calendar month of maximum feeding.
2. Warm water fish species or other warm water aquatic animals including, but not limited to, the Ameiuridae, Cetrarchidae and Cyprinidae families of fish (*e.g., respectively, catfish, sunfish and minnows*) in ponds, raceways or other similar structures that discharge at least 30 days per year, but does not include:
 - a. Closed ponds that discharge only during periods of excess runoff;
 - b. Facilities that produce less than 45,454 harvest weight kilograms (*approximately 100,000 pounds*) of aquatic animals per year.

CONTACT COOLING WATER means water used to reduce temperature that comes into contact with a raw material, intermediate product, waste product other than heat or finished product.

CWA means the Clean Water Act (*formerly referred to the Federal Water Pollution Control Act*) Pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576, 33 U.S.C. 1251 et seq.

DIKE means any embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

DIRECT DISCHARGE means the discharge of a pollutant as defined below.

DIRECTOR means the ADEQ Director.

DISCHARGE (OF A POLLUTANT) means:

1. Any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or
2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation.

This definition includes discharges into waters of the United States from: surface runoff that is collected or channeled by man; discharges through pipes, sewers or other conveyances owned by a state, municipality or other person that do not lead to POTWs; and discharges through pipes, sewers or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

EFFLUENT LIMITATION means any restriction imposed by the Director on quantities, discharge rates and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone or the ocean.

ENVIRONMENTAL PROTECTION AGENCY (EPA) means the United States Environmental Protection Agency.

EXISTING SOURCE or EXISTING DISCHARGER means any source that is not a new source or a new discharger.

FACILITY means any AZPDES point source or any other facility or activity (*including land or appurtenances thereto*) that is subject to regulation under the AZPDES program.

GROUNDWATER means water below the land surface in a zone of saturation.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 pursuant to section 311 of CWA. (*NOTE: These substances are listed in Table 2C-4 of the instructions to Form 2C.*)

HAZARDOUS WASTE means a hazardous waste as defined in 40 CFR section 261.3 published May 19, 1980.

INDIRECT DISCHARGER means a nondomestic discharger introducing pollutants to a publicly owned treatment works.

MGD means millions of gallons per day.

MUNICIPALITY means a city, village, town, borough, county, parish, district, association or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes or other wastes an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of CWA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under sections 307, 318, 402 and 405 of CWA. The term includes an approved program.

NEW DISCHARGER means any building, structure, facility or installation: (A) from which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1979, had never discharged pollutants; (B) that has never received a finally effective NPDES or AZPDES permit for discharges at that site; and (C) that is not a "new source." This definition includes an indirect discharger that commences discharging into waters of the United States. It also includes any existing mobile point source, such as an aggregate plant that begins discharging at a location for which it does not have an existing permit.

NEW SOURCE means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

1. After promulgation of standards of performance under section 306 of CWA that are applicable to such source; or
2. After proposal of standards of performance in accordance with section 306 of CWA that are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

NON-CONTACT COOLING WATER means water used to reduce temperature that does not come into direct contact with any raw material, intermediate product, waste product (other than heat) or finished product.

OFF-SITE means any site that is not "on-site."

ON-SCENE COORDINATOR means the federal official predesignated by EPA to coordinate and direct responses under subpart D or the ADEQ designated official who coordinates and directs removal actions under subpart E of National Contingency Plan (40 CFR Part 300).

ON-SITE means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

OPERATOR means the person responsible for the overall operation of a facility.

OUTFALL means a point source.

OWNER means the person who owns a facility or part of a facility.

PERMIT means an authorization, license or equivalent control document issued by EPA or ADEQ to implement the requirements of 40 CFR Parts 122, 123 and 124, and A.R.S. § 49-255.

POINT SOURCE means a discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POLLUTANT means dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (*except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. Section 2011, et. seq.]*), heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal and agriculture waste discharged into water. It does not mean:

1. Sewage from vessels; or
2. Water, gas or other material that is injected into a well to facilitate production of oil or gas or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(NOTE: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct or special nuclear materials. Examples of materials not covered include radium and accelerator produced isotopes. See Train v. Colorado Public Interest Research Group, Inc. 426 U.S. 1 (1976).)

PRIVATELY OWNED TREATMENT WORKS means any device or system that is, (A) used to treat wastes from any facility whose operator is not the operator of the treatment works and (B) not a POTW.

PUBLICLY OWNED TREATMENT WORKS or POTW means any device or system used in the treatment (*including recycling and reclamation*) of municipal sewage or industrial wastes of a liquid nature that is owned by a state or municipality. This definition includes any sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

RENT means use of another's property in return for regular payment.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L 94-580, as amended by Pub. L 95-609, 42 U.S.C. 6901, et.seq.).

ROCK CRUSHING AND GRAVEL WASHING FACILITIES are facilities that process crushed and broken stone, gravel and riprap (see 40 CFR Part 436, Subpart B and the effluent limitations guidelines for these facilities).

SDWA means the Safe Drinking Water Act (*Pub. L 95-523, as amended by Pub. L95-1900, 42 U.S.C. Section 300(f), et. seq.*).

SECONDARY INDUSTRY CATEGORY means any industry category that is not a primary industry category.

SEWAGE FROM VESSELS means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under section 312 of CWA, except that with respect to commercial vessels on the Great Lakes this term includes graywater. For the purposes of this definition, "graywater" means galley, bath and shower water.

SEWAGE SLUDGE means any solid, semisolid or liquid residue removed during the treatment of municipal wastewater or domestic sewage. It includes, but is not limited to, solids removed during wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159) and sewage sludge products. Sewage sludge does not include grit or screenings or ash generated during the incineration of sewage sludge.

SILVICULTURAL POINT SOURCE means any discernable, confined and discrete conveyance related to rock crushing, gravel washing, log sorting or log storage facilities that are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. This term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage or road construction and maintenance from which there is natural runoff. However, some of these activities (*such as stream crossing for roads*), may involve point source discharges of dredged or fill material that may require a CWA section 404 permit. "Log sorting and log storage facilities" are facilities whose discharges result from the holding of unprocessed wood, e.g., logs or roundwood with bark or after removal in self-contained bodies of water (*mill ponds or log ponds*) or stored on land where water is applied intentionally on the logs (*wet decking*). (See 40 CFR Part 429, Subpart J and the effluent limitations guidelines for these facilities).

STORM WATER RUNOFF means water discharged as a result of rain, snow or other precipitation.

SURFACE IMPOUNDMENT or IMPOUNDMENT means a facility or part of a facility that is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (*although it may be lined with manmade materials*), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

TOXIC POLLUTANT means any pollutant listed as toxic under section 307(a)(1) of CWA.

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

WATERS OF THE UNITED STATES means:

1. All waters that are currently used, were used in the past or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (*including intermittent streams*), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes and natural ponds, the use, degradation or destruction of which would or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes,
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce,
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) - (4) above;
6. The territorial sea; and
7. Wetlands adjacent to waters (*other than waters that are themselves wetlands*) identified in paragraphs (1) - (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet requirements of

CWA (other than cooling ponds as defined in 40 CFR Section 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as a disposal area in wetlands) nor resulted from the impoundment of waters of the United States.

WETLANDS means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.